

REMARKS

With entry of this amendment, non-elected claims 15-20 and 22 have been canceled. Claims 1-14, 21 and 23-25 are pending, claims 1-14 and 21 of which stand rejected, and claims 23-25 of which are newly added. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested. As an initial matter, Applicants have amended the claims to correct inadvertent errors and to remove “step” language. Applicant emphasize that none of the claim amendments were made to overcome any current or anticipated claim rejections.

Claim Rejections-35 U.S.C. §102

Claims 1, 2, 5, 7, 10-14, and 20-21 stand rejected as being anticipated by U.S. Patent No. 5,000,554 to Gibbs (“Gibbs”). Applicant respectfully traverses these rejections, since Gibbs does not disclose each and every element required by claims 1, 2, 5, 7, 10-14, and 20-21.

Verification of Location of Area of Interest

In particular, independent claim 1 requires verifying a previously determined location of an area of interest relative to a datum mark. Independent claims 10 and 14 require verifying a previously determined location of an area of interest. In contrast, Gibbs discloses a method that relocates an object of interest based on a manual entry of previously determined x-y coordinates for the object of interest.

Thus, Gibbs discloses a relocation method—not a location verification method. It can be appreciated that relocating an object of interest is quite different from verifying the location of the object of interest. In the former case, the object of interest is relocated to the initially determined location—notwithstanding that the initially determined location may be inaccurate. There is simply

no determination made as to the accuracy of the location. In the latter case, the accuracy of the initially determined location is, of course, determined through the verification process.

The Examiner states in the Office Action that:

Gibbs explains that the exact location of the area of interest is determined depending upon the exact positioning of the datum (reference) mark in the beginning of the first inspection step (step a) and at the beginning of the re-inspection (step d). The Examiner notes that determining the exact location of the area of interest is interpreted as verifying the location of the area of interest. (Office Action, paragraph bridging pages 4-5).

Applicant respectfully disagrees. The “exact location” of the area of interest that Gibbs refers to is the position of the area of interest within the microscope’s visual field. In particular, this field of view position will depend on the positions of the reference mark 72 and object of interest within the field of view during initial examination, and the position of the reference mark 72 within the field of view during subsequent examination. For example, if the reference mark 72 and object of interest are positioned in the center of the field of view during initial examination, and the reference mark 72 is positioned in the center of the field of view during subsequent examination, the object of interest will likewise be positioned in the center of the field of view during subsequent examination. This step, however, provides no verification for the x-y coordinates of the object of interest previously determined during the initial examination. That is, if such x-y coordinates are inaccurate, the method does not provide any indication that the x-y coordinates are inaccurate. Significantly, if the x-y coordinates are inaccurate, any object displayed in the center of the field of view will most likely not be the object of interest that was detected in the initial examination, unbeknownst to the human observer. If it is the Examiner’s position that it is the location of the area of interest within the field of view, and not the x-y coordinates of the object of interest, that is to be verified, then there is no verification of this location—rather, just merely a determination of an

unverified location of some object in the field of view, which may not necessarily be the previously detected object of interest.

Determination of Reference Offset Value

Independent claim 1 further requires the location verification to be based on a dimensional error in locating and relocating the datum mark. Independent claims 10 and 14 require the location verification to be based on a spatial offset value of a mark. Independent claim 20 requires determining a spatial offset value of the mark relative to a nominal position thereof. In contrast, Gibbs discloses a method that corrects for any mechanical offset of the slide caused by having to remount the slide within the microscope or another microscope during the subsequent examination.

In particular, the method (1) centers a reference mark within the field of view during an initial examination; (2) resets the reference positions of a microscope by operating a button, so that the x-y coordinates of the object of interest can be determined; (3) centers the reference mark within the field of view during a subsequent examination; and (4) then resets the reference positions of a microscope by operating a button, so that the field of view can be centered over the x-y coordinates of the object of interest previously determined during the initial examination.

This method, however, does not determine a dimensional error in locating and relocating the datum mark and does not determine a spatial offset value of the mark. Although the Gibbs method may correct for any mechanical offset in the slide (which may produce a mechanical reference offset or error) by centering the reference mark within the field of view during both initial examination and subsequent examination, such reference offset or error is not determined.

Thus, Applicant submits that independent claims 1, 10, 14, and 20, as well as the claims depending therefrom (claims 2, 5, 7, 11-13, and 21), are not anticipated by Gibbs, and as such, respectfully request withdrawal of the rejections of these claims.

Claim Rejections-35 U.S.C. §103

Claims 3, 4, 6, 8, and 9 stand rejected as being obvious over either Gibbs or Gibbs in combination with U.S. Patent No. 5,587,833 ("Kamentsky"). Applicant respectfully traverses these rejections, since neither Gibbs nor Kamentsky, alone or in combination, disclose, teach, or suggest the combination of elements required by these claims. In particular, neither of these references disclose, teach, or suggest the elements previously described above with respect to independent claim 1.

New Claims

Applicant submits that claims 23-25, which have been newly added, are supported by the specification, as originally filed, and are patentable over the cited prior art.

Conclusion

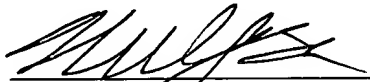
Based on the foregoing, all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0606.

Respectfully submitted,

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